

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

HAMILTON BYNOG,
Plaintiff

CIVIL ACTION NO. 1:18-CV-00902

VERSUS

JUDGE DRELL

MICKEY DOVE, *ET AL.*,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

JUDGMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Dyess's Rule 4(m) Motion to Dismiss (Doc. 17) is DENIED AS MOOT.

IT IS FURTHER ORDERED that Dyess's Rule 12(b)(6) Motion to Dismiss (Doc. 17) is DENIED.

IT IS FURTHER ORDERED that Harrington's Rule 12(b)(6) Motion to Dismiss and/or Motion for Summary Judgment (Doc. 23) is GRANTED IN PART and DENIED IN PART. To the extent Harrington seeks dismissal of Bynog's § 1983 claims and state law claims for failure to train and respondeat superior, Harrington's motion is GRANTED. To the extent Harrington seeks dismissal under Heck, Harrington's motion is DENIED.

IT IS FURTHER ORDERED that Bynog's Motion for Stay (Doc. 31) is GRANTED IN PART and DENIED IN PART. Bynog's claims against Dove and Wilkerson are STAYED.

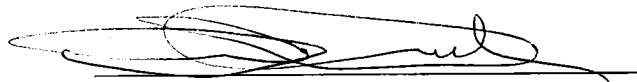
IT IS FURTHER ORDERED that Bynog's remaining claims against Harrington are DISMISSED WITHOUT PREJUDICE to his right to potentially amend in the future.

IT IS FURTHER ORDERED that this matter be set for a status conference 30 days after the date of this Order.

IT IS FURTHER ORDERED that the following claims remain pending:

- (1) § 1983 claims against Dove, in his individual and official capacities;
- (2) § 1983 claims against Wilkerson, in his individual and official capacities;
- (3) § 1983 claims against Williams, in her individual and official capacities;
- (4) State law tort claims against Dyess; and
- (5) State law tort claims against Jones.

THUS ORDERED AND SIGNED in chambers in Alexandria, Louisiana on this 3RD day of December, 2019.



DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT